

RECEIPCT/PTO 17 SEP 2002

**Patents** 

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)
LIANG, ET AL.	) Examiner:
Serial No. 10/070,560	) Art Unit:
Filed: September 14, 2000	)
For: METHOD OF PRODUCING AND PURIFYING ENDOSTATIN PROTEIN	) ) )

#### PETITION UNDER 37 C.F.R. § 1.47(A) FOR AN UNCOOPERATIVE INVENTOR

Commissioner of Patents & Trademarks **Box Petitions** Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. §1.47(a), Applicants request the Commissioner to find that Lourdes L. Bermejo is an uncooperative inventor and enter Power of Attorney documents signed by the other co-inventors. The Power of Attorney documents are filed herewith. Lourdes L. Bermejo refuses to sign documents relating to the prosecution of the above-referenced application. Applicants have used diligent efforts in communicating with Ms. Bermejo and she continues to refuse to cooperate. The facts of that diligent effort are detailed below.

- 1. On May 8, 2001, Applicants' representative sent correspondence to Ms. Bermejo's employer at the time of invention, Covance Biotechnology Services, Inc. ("Covance"), requesting their assistance in obtaining execution of Declaration and Assignment documents from several of the inventors, including Ms. Bermejo. See Exhibit A
- 2. On May 10, 2001, Applicants' representative sent correspondence to Covance including corrected documents and again requesting their assistance in obtaining

9/19/2002 Llandgra (	00000044	10070560
----------------------	----------	----------

02 FC:122

130.00 OP

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box PCT, Washington, DC 2023l, on September 12, 2002.

.- (

execution of Declaration and Assignment documents from several of the inventors, including Ms. Bermejo. See Exhibit B.

- 3. On March 8, 2002, Applicants representative sent follow-up correspondence to Covance including additional copies of the Declaration and Assignment documents and again requesting their assistance in obtaining execution of these documents from several of the inventors, including Ms. Bermejo. See Exhibit C.
- 4. On April 26, 2002, Applicants representative sent a reminder to Covance comprising a photocopy of the letter from March 8, 2002. See Exhibit D.
- 5. On August 6, 2002, after being informed that Ms. Bermejo no longer was employed by Covance, Applicants' representative sent a Declaration and Assignment to Ms. Bermejo at her residence address. The documents were sent via Federal Express. The documents were returned as undelivered. See Exhibit E.
- 6. In the interim, Applicants' representative has obtained the execution of Declaration and Assignment from all of the other inventors, including those that worked at Covance.

Applicants' representatives have repeatedly attempted to contact Ms Bermejo and obtain her execution of the Declaration and Assignment documents. Ms. Bermejo has refused to respond and therefore has refused to cooperate with the prosecution of the above-referenced patent application. She refuses to execute documents necessary for the prosecution of the above-referenced patent. Therefore, Applicants request that the Commissioner find Lourdes L. Bermejo to be an uncooperative inventor. Furthermore, Applicants request that the Declaration and Power of Attorney be entered and Kilpatrick Stockton, LLP be appointed representatives of the Applicants for prosecution.

The Commissioner is encouraged to contact the undersigned attorney of record by telephone at (404)-815-6500 if such contact would facilitate the grant of this Petition.

The appropriate fee of \$130.00 as required by 37 C.F.R. § 1.17(h) accompanies this Petition.

Serial No. 10/070,560 File No. 05213-0551US

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,

By: Theodore M. Green Reg. No. 41,801

Whosh M. De

KILPATRICK STOCKTON LLP Suite 2800 1100 Peachtree Street Atlanta, Georgia 30309-4530 404/815-6500

Atty. Docket: 05213-0551US Atty. File: 43170-258385

## KILPATRICK STOCKTON LLP

Attorneys at Law 2400 Monarch Tower 3424 Peachtree Road, NE Atlanta, Georgia 30326 Telephone: 404.949.3999 Facsimile: 404.949.3990

Web site: www.kilpatrickstockton.com

# FILE COPY

May 8, 2001

IILL OUP

E-mail: CSpain@KilpatrickStockton.com Direct Dial: 404.949.2469

VIA FEDERAL EXPRESS

4461

Ms. Laura Sharpe Covance Biotechnology Services, Inc. 6501 Weston Parkway Suite 200 Cary, NC 27513

Re:

International Patent Application No. PCT/US00/25166

Entitled: Method of Producing and Purifying Endostatin Protein Our File: 05213-0551WP (KS: 43170-247092) and 05213-0551US

Dear Ms. Sharpe:

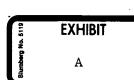
Pursuant to instructions from Mr. Lias, we are requesting your assistance in obtaining signatures from certain inventors that are located at Covance on the documents described herein.

In order to complete the filing requirements for the above-referenced international patent application, we must submit Assignment Nunc Pro Tunc documents executed by Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard and Jeffrey L. Schrimsher. These Assignments transfer the full, exclusive and entire right, title and interest to the patent application, including all divisions, continuations and reissues thereof to Covance Biotechnology Services, Inc. If the enclosed Assignment Nunc Pro Tunc documents are accurate, please have each of the inventors referenced above sign and date their respective document where indicated and return them to us at your earliest convenience.

Further, we are filing a U.S. national phase patent application directed to the above-referenced international patent application. In order to complete the filing requirements in the U.S. Patent and Trademark Office, we must submit a Declaration and Power of Attorney executed by Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard and Jeffrey L. Schrimsher. If the enclosed Declaration and Power of Attorney documents are accurate, please have each of the inventors referenced above sign and date their respective document where indicated and return them to us at your earliest convenience.

ATLLIB02 43017.5

Atlanta • Augusta • Brussels • Charlotte • London Miami • Raleigh • Reston • Stockholm • Washington • Winston-Salem



KILPATRICK STOCKTON

Ms. Laura Sharpe May 8, 2001 Page 2

If you have any questions or require additional information, please do not hesitate to contact us.

Thank you for your assistance.

Cordially yours,

Cheryl N. Spain

Paralegal

CNS/lnm Enclosures

cc: James Dean Johnson, Ph.D.

John K. McDonald, Ph.D.

### KILPATRICK STOCKTON LLP

Attorneys at Law
2400 Monarch Tower
3424 Peachtree Road, NE
Atlanta, Georgia 30326
Telephone: 404.949.3999
Facsimile: 404.949.3990
Web site: www.kilpatrickstockton.com

# FILE COPY

May 10, 2001

E-mail: CSpain@KilpatrickStockton.com Direct Dial: 404.949.2469

VIA FEDERAL EXPRESS

Ms. Laura Sharpe Covance Biotechnology Services, Inc. 6501 Weston Parkway Suite 200 Cary, NC 27513

Re: International Patent Application No. PCT/US00/25166

Entitled: Method of Producing and Purifying Endostatin Protein Our File: 05213-0551WP (KS: 43170-247092) and 05213-0551US

Re: International Patent Application No. PCT/US00/32843

Entitled: Method of Producing and Purifying Angiostatin Protein Our File: 05213-0561WP and -0561US (KS: 43170-250438, 258386)

Dear Ms. Sharpe:

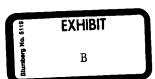
Pursuant to our telephone conversation, we are enclosing *corrected* documents for execution by the inventors that are located at Covance for International Patent Application No. PCT/US00/25166, entitled "Method of Producing and Purifying Endostatin Protein."

We are also enclosing documents for execution by these same inventors for International Patent Application No. PCT/US00/32843, entitled "Method of Producing and Purifying Angiostatin Protein."

In order to complete the filing requirements for the above-referenced international patent applications, we must submit Assignment Nunc Pro Tunc documents executed by Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard and Jeffrey L. Schrimsher. These Assignments transfer the full, exclusive and entire right, title and interest to the patent applications, including all divisions, continuations and reissues thereof to Covance Biotechnology Services, Inc. If the enclosed Assignment Nunc Pro Tunc documents are accurate, please have each of the inventors referenced above sign and date where indicated and return them to us at your earliest convenience.

ATLLIB02 43778.1

Atlanta • Augusta • Brussels • Charlotte • London Miami • Raleigh • Reston • Stockholm • Washington • Winston-Salem



# KILPATRICK STOCKTO

Ms. Laura Sharpe May 10, 2001 Page 2

Further, we are filing U.S. national phase patent applications directed to the above-referenced international patent applications. In order to complete the filing requirements in the U.S. Patent and Trademark Office, we must submit a Declaration and Power of Attorney in each of the U.S. national phase patent applications executed by Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard and Jeffrey L. Schrimsher. If the enclosed Declaration and Power of Attorney documents are accurate, please have each of the inventors referenced above sign and date where indicated and return them to us at your earliest convenience.

If you have any questions or require additional information, please do not hesitate to contact us.

Thank you for your assistance.

Cordially yours,

Cheryl N. Spain

Paralegal

CNS/lnm Enclosures

cc:

James Dean Johnson, Ph.D. John K. McDonald, Ph.D.



Suite 2800 1100 Peachtree St. Atlanta GA 30309-4530 t 404 815 6500 f 404 815 6555 www.KilpatrickStockton.com

# FILE COPY

direct dial 404 745 2470 direct fax 404 541 3297 JMcDonald@KilpatrickStockton.com

March 8, 2002

#### **VIA FEDERAL EXPRESS**

Roger Lias, Ph.D.
Diosynth RTP Inc.
6501 Weston Parkway, Suite 200
Cary, North Carolina 27513

Re:

U.S. National Phase Application of

International Patent Application No. PCT/US00/25166

Entitled: "METHOD OF PRODUCING AND PURIFYING ENDOSTATIN PROTEIN" Our File No.: 05213-0551US (43170-258385), 05213-0551WP (43170-247092)

Dear Dr. Lias:

#### 05213-0551US - National Phase Patent Application

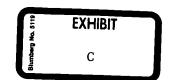
In order to complete the filing requirements in the U.S. Patent Office for the above-referenced National Phase application filed today, we must submit a Declaration and Power of Attorney. If the enclosed Declaration and Power of Attorney is accurate, please have the inventors sign and date the document where indicated.

We would appreciate your returning these documents to us at your earliest convenience in order to obtain an official filing date of the referenced application. An National Phase patent application filed in the U.S. Patent Office does not receive an "official" filing date until all parts of the application are filed, including the Declaration and Power of Attorney

#### 05213-0551WP - PCT International Patent Application

It is our understanding that Covance Biotechnology Services, Inc. was purchased from Covance, Inc. in 2001 by Diosynth BV, and the corporate name was changed to Diosynth RTP Inc. It is our further understanding that the inventors employed by Covance Biotechnology Services, Inc. are under contractual obligation to assign their entire rights in the PCT international application to Covance Biotechnology Services, Inc. This assignment covers any related patent applications filed after the PCT international application, including the above-referenced U.S. National Phase application.

Since we are not familiar with the terms of the acquisition of Covance Biotechnology Services, Inc. from Diosynth BV, we cannot determine the appropriate method of transferring ownership, i.e. is this merely a change in the corporate name of Covance



Roger Lias, Ph.D. March 8, 2002 Page 2

Biotechnology Services, Inc., or, as it appears, is Covance Biotechnology Services, Inc. under new ownership?

We are enclosing an Assignment Nunc Pro Tunc for execution by the Covance inventors to Covance Biotechnology Services, Inc. since this was the correct corporate name of the assignee at the time the PCT international application was filed (September 14, 2000). Please let us know if you wish for us to prepare an Assignment from Covance Biotechnology Services, Inc. to Diosynth RTP Inc., assuming this is the entity who now owns the rights in the application and not Diosynth BV or Akzo Nobel.

It may be possible to effectuate a name change of the assignee (originally Covance Biotechnology Services, Inc.) simply by filing a certified copy of the Change of Corporate Name that was filed with the Delaware Secretary of State's Office with the U.S. Patent and Trademark Office. The official fee for obtaining a certified copy of the Change of Corporate Name is \$20.00, and there is a \$40.00 fee for recording the Change of Corporate Name with the U.S. Patent and Trademark Office. We will need authorization from you to obtain this document and a check from Diosynth RTP Inc in the amount of \$60.00, payable to "Kilpatrick Stockton LLP" if this is the procedure we follow.

If a new Assignment is not executed or the Change of Corporate Name document is not filed with the U.S. Patent and Trademark Office, the U.S. National Phase application will ultimately issue in the name of Covance Biotechnology Services, Inc., as the original assignee of the PCT International application.

We will <u>not</u> file any documents with the U.S. Patent and Trademark Office to effectuate the change in corporate name or new ownership without obtaining instructions from you to do so.

If you have any questions or require additional information, please do not hesitate to contact us.

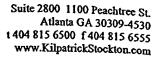
Cordially yours.

John K. McDonald, Ph.D.

JKM/CNS:cs Enclosures

cc: David L. Entin (w/o enclosures)

Shirley E. Brosmore (w/enclosures)





Attorneys at Law

March 8, 2002

direct dial 404 745 2470 direct fax 404 541 3297 JMcDonald@KilpatrickStockton.com

#### VIA FEDERAL EXPRESS

Roger Lias, Ph.D.
Diosynth RTP Inc.
6501 Weston Parkway, Suite 200
Cary, North Carolina 27513



Re:

U.S. National Phase Application of

International Patent Application No. PCT/US00/25166

Entitled: "METHOD OF PRODUCING AND PURIFYING ENDOSTATIN PROTEIN"
Our File No.: 05248-0554-05 (43170-258385), 05213-0551WP (43170-247092)

Dear Dr. Lias:

### 05213-0551US - National Phase Patent Application

In order to complete the filing requirements in the U.S. Patent Office for the above-referenced National Phase application filed today, we must submit a Declaration and Power of Attorney. If the enclosed Declaration and Power of Attorney is accurate, please have the inventors sign and date the document where indicated.

We would appreciate your returning these documents to us at your earliest convenience in order to obtain an official filing date of the referenced application. An National Phase patent application filed in the U.S. Patent Office does not receive an "official" filing date until all parts of the application are filed, including the Declaration and Power of Attorney

#### 05213-0551WP - PCT International Patent Application

It is our understanding that Covance Biotechnology Services, Inc. was purchased from Covance, Inc. in 2001 by Diosynth BV, and the corporate name was changed to Diosynth RTP Inc. It is our further understanding that the inventors employed by Covance Biotechnology Services, Inc. are under contractual obligation to assign their entire rights in the PCT international application to Covance Biotechnology Services, Inc. This assignment covers any related patent applications filed after the PCT international application, including the above-referenced U.S. National Phase application.

Since we are not familiar with the terms of the acquisition of Covance Biotechnology Services, Inc. from Diosynth BV, we cannot determine the appropriate method of transferring ownership, i.e. is this merely a change in the corporate name of Covance



Roger Lias, Ph.D. March 8, 2002 Page 2

Biotechnology Services, Inc., or, as it appears, is Covance Biotechnology Services, Inc. under new ownership?

We are enclosing an Assignment Nunc Pro Tunc for execution by the Covance inventors to Covance Biotechnology Services, Inc. since this was the correct corporate name of the assignee at the time the PCT international application was filed (September 14, 2000). Please let us know if you wish for us to prepare an Assignment from Covance Biotechnology Services, Inc. to Diosynth RTP Inc., assuming this is the entity who now owns the rights in the application and not Diosynth BV or Akzo Nobel.

It may be possible to effectuate a name change of the assignee (originally Covance Biotechnology Services, Inc.) simply by filing a certified copy of the Change of Corporate Name that was filed with the Delaware Secretary of State's Office with the U.S. Patent and Trademark Office. The official fee for obtaining a certified copy of the Change of Corporate Name is \$20.00, and there is a \$40.00 fee for recording the Change of Corporate Name with the U.S. Patent and Trademark Office. We will need authorization from you to obtain this document and a check from Diosynth RTP Inc in the amount of \$60.00, payable to "Kilpatrick Stockton LLP" if this is the procedure we follow.

If a new Assignment is not executed or the Change of Corporate Name document is not filed with the U.S. Patent and Trademark Office, the U.S. National Phase application will ultimately issue in the name of Covance Biotechnology Services, Inc., as the original assignee of the PCT International application.

We will <u>not</u> file any documents with the U.S. Patent and Trademark Office to effectuate the change in corporate name or new ownership without obtaining instructions from you to do so.

If you have any questions or require additional information, please do not hesitate to contact us.

Cordially yours,

John K. McDonald, Ph.D.

JKM/CNS:cs Enclosures

cc: David L. Entin (w/o enclosures)

Shirley E. Brosmore (w/enclosures)



Suite 2800 1100 Peachtree St. Atlanta GA 30309-4530 t 404 815 6500 f 404 815 6555 www.KilpatrickStockton.com

August 6, 2002

direct dial 404 745 2415 direct fax: 404 541 3220 NGreen@KilpatrickStockton.com

Ms. Lourdes Bermejo 112 Durston Loop Morrisville, NC 27560 VIA FEDERAL EXPRESS

Re:

U.S. National Phase Patent Application of

International Patent Application No. PCT/US00/25166 entitled METHOD OF PRODUCING AND PURIFYING ENDOSTATIN PROTEIN

Our File: 05213-0551US (43170-258385)

Dear Ms. Bermejo:

In order to complete the filing requirements in the U.S. Patent and Trademark Office for the above-referenced National Phase patent application filed on March 8, 2002, we must submit a Declaration and Power of Attorney (revised). Please sign and date the enclosed document where indicated and return it to us as soon as possible. We must file the enclosed Declaration and Power of Attorney no later than August 12, 2002.

Also enclosed is an Assignment Nunc Pro Tunc transferring your rights in the above-referenced invention to Covance Biotechnology Services Inc. Please sign and date the enclosed Assignment and return it to us when you return the executed Declaration and Power of Attorney.

Please do not hesitate to contact us if you have any questions regarding this matter.

Cordially yours,

KILPATRICK STOCKTON LLP

By: Theodore M. Green

TMG:fy Enclosures

cc: David L. Entin

Shirley E. Brosmore w/enclosures

**EXHIBIT** 





### **ALL INFORMATION AND** POD INTO COSMOS\*\*

- ☐ Holiday Closed
- - Address is correct/Recipient no longer at this address

    - Incorrect recipient address/incomplete recipient address

Package Researched Date:.

initial:

FOR IN STATION USE ONLY

Comments:

- Need apartment or suite number
- Recipient moved and left no forwarding address or phone
- Not py Business closed / Not authorized to leave shipmer outa signature
- Signature required, please contact shipper for disposition 2(st Attempt
- ☐ Refused (reason):\_ Package not attempted (reason)
- ☐ Future delivery. Reattempt on (date) Bill recipient shipment, Payment not available. Reattempt Recipient requested hold for pickup Collect on Delivery. Payment not available. Reattempt to made on (date):\_\_

Peel here

be made on (date):

POD MUST BE OBTAINED WHEN DELIVERY IS COMPLETED. Date: S: 7: O & Employee #: 3

Align top of FedEx PowerShip Label here.

巨汉 EXCEPTION / SEND AGA Express

#### DECLARATION AND POWER OF ATTORNEY

18 mg

Attorney's Dock No.: 05213-0551US (43170-258385)

In re Application of: Hong Liang, Kim Lee Sim, Xinhua Zhou, John Madsen, Amy Chang-Murad, Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard, and Jeffrey L. Schrimsher As a below named inventor, I hereby declare that:

inventor (if only one name is matter which is claimed an Endostatin Protein, the spe	is listed below) and for which a acification of whe ched hereto.	or an original, first and patent is sought on the	joint inventor (if plural names invention entitled: <b>Method</b>	I am the original, first and sole are listed below) of the subject I of Producing and Purifying
I hereby state that I have a amended by any amendment in the United States of Am country before my or our invention was not in public I understand that I have a design of the state of the	reviewed and u t referred to above erica before my invention thereouse or on sale in that yof candor a	nderstand the contents of ove. I do not know and of yor our invention thereof or more than one year in the United States of Anand good faith toward the	of the above-identified specification of believe that the same work, or patented or described in prior to the date of this applacements more than one year price Patent and Trademark Office.	cation, including the claims, as as ever known or used by others any printed publication in any lication. I further state that the or to the date of this application. and I acknowledge the duty to with Title 37, Code of Federal
inventor's certificate listed	below, and ha	ve also identified below	v any foreign application for	reign application(s) for patent or patent or inventor's certificate ate before that of the application
Application No.	Country	Filing Date	Priority Claimed Under	35 USC §119
			YesNo	<u> </u>
I hereby claim the benefit below:	under Title 35,	, United States Code, §	119(e) of any United States	provisional application(s) listed
60/153,698		ber 14, 1999		(Pitti - Pinn)
(Application No.)	(Film	ng Date)	(Application No.)	(Filing Date)
the subject matter disclosed manner provided by the fi	and claimed in the street paragraph of the 37, Code of	n the present application of Title 35, United Stat Federal Regulations, §1.	is not disclosed in the prior es Code §112, I acknowledg 56 which became available be	on(s) listed below and, insofar as United States application in the e the duty to disclose material tween the filing date of the prior
Application Serial No.		Filing Date	Status: patented, pen	ding, abandoned
belief are believed to be true like so made are punishable	e; and further to by fine or imp	hat these statement were risonment, or both, unde	made with the knowledge that	ments made on information and t willful false statements and the the United States Code, and that ereon.
POWER OF ATTORNEY: T the Patent and Trademark O o	_		•	tion and transact all business in
Direct all correspondence to	: Customer Nu	mber 23370	AFFIX BAR	
Direct telephone calls at 404	-815-6500, to J	ohn K. McDonald, Ph.I	CODE LABEL D. HERE	23370 PATENT TRADEMARK OFFICE
Full name of second invento	r, if any: Hor	ig Liang		United States of America
Inventor's signature	My L	Downidge Drive Calab	Date: 3 [ 8	3/02
Residence and Post Office A		Bayridge Drive, Gaith		
Additional inventors are b	eing named on se	eparately numbered sheets a	ttached hereto.	

100

#### DECLARATION AND POWED OF ATTORNEY

Attorney's Doctor No.: 05213-0551US (43170-258385)

In re Application of: Hong Liang, Kim Lee Sim, Xinhua Zhou, John Madsen, Amy Cilang-Murad, Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard, and Jeffrey L. Schrimsher As a below named inventor, I hereby declare that:

inventor (if only one name matter which is claimed at Endostatin Protein, the special is attacked was fill hereby state that I have a amended by any amendmen in the United States of Am country before my or our invention was not in public I understand that I have a disclose information which Regulations, §1.56.	is listed below) and for which a actification of wh ched hereto. Hed on September reviewed and un t referred to abo erica before my any any any any any thereof use or on sale in that y of candor a is material to	or an original, first and join patent is sought on the in ich:  14,2000 as Application No. anderstand the contents of the interest of interest of its interest	PCT/US00/25166.  he above-identified specimot believe that the same or patented or described ior to the date of this aprica more than one year patent and Trademark Offipplication in accordance	ve I am the original, first and sole es are listed below) of the subject od of Producing and Purifying ification, including the claims, as was ever known or used by others in any printed publication in any plication. I further state that the rior to the date of this application. ice, and I acknowledge the duty to with Title 37, Code of Federal
inventor's certificate listed	below, and have common with the	ve also identified below a	ny foreign application fo	or eign application(s) for patent or patent or inventor's certificate date before that of the application
Application No.	Country	Filing Date	Priority Claimed Und	er 35 USC §119
			YesN	ło
below:			9(e) of any United State	s provisional application(s) listed
60/153,698		per 14, 1999	(Augliostica No.)	(Eiling Data)
(Application No.)	(Filin	ng Date)	(Application No.)	(Filing Date)
the subject matter disclosed manner provided by the fi	and claimed in and claimed in the state of t	the present application is f Title 35, United States Federal Regulations, §1.56	not disclosed in the prio Code §112, I acknowled which became available b	tion(s) listed below and, insofar as r United States application in the lige the duty to disclose material between the filing date of the prior
Application Serial No.		Filing Date	Status: patented, po	ending, abandoned
belief are believed to be true like so made are punishable such willful false statements POWER OF ATTORNEY: T	e; and further the by fine or importance may jeopardize the following att	nat these statement were ma- isonment, or both, under S- the validity of the application torneys are hereby appointed	ade with the knowledge the ection 1001 of Title 18 of on or any patents issuing to to prosecute this application.	tements made on information and that willful false statements and the f the United States Code, and that hereon.  cation and transact all business in
the Patent and Trademark O o	ffice connected	therewith: Customer Numb	per 23370	
Direct all correspondence to	: Customer Nu	mber 23370	AFFIX BAR CODE LABEL	23370
Direct telephone calls at 404	-815-6500, to Jo	ohn K. McDonald, Ph.D.	HERE	PATENT TRADEMARK OFFICE
Full name of sole or first inv	entor: Kim	Lee Sim	Citizenship:	United States of America
Inventor's signature	Kimle	esin	Date: 3	15/02
Residence and Post Office A	ddress: 308 A	rgosy Drive, Gaithersbur	g, MD 20850 MD	
Additional inventors are b	eing named on se	parately numbered sheets attac	ched hereto.	

In re Application of: Hong Liang, Kim Lee Sim, Xinhua Zhou, John Madsen, Amy Chang-Murad, Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard, and Jeffrey L. Schrimsher As a below named inventor, i hereby declare that:

inventor (if only one name matter which is claimed a Endostatin Protein, the spe	is listed below) nd for which a	or an original, first and patent is sought on the	joint inventor (if plural nam	ve I am the original, first and sole less are listed below) of the subject od of Producing and Purifying
was find I hereby state that I have amended by any amendment in the United States of American country before my or our invention was not in public I understand that I have a decision of the I have	iled on September reviewed and un at referred to aborerica before my invention thereo use or on sale in duty of candor a	ove. I do not know and over or our invention thereof or more than one year in the United States of Arand good faith toward the	of the above-identified spector of the above-identified spector of not believe that the same of, or patented or described prior to the date of this apprecia more than one year present and Trademark Office.	ification, including the claims, as was ever known or used by others in any printed publication in any oplication. I further state that the prior to the date of this application. Ince, and I acknowledge the duty to be with Title 37, Code of Federal
inventor's certificate listed	below, and ha common with t	ve also identified below	any foreign application for	foreign application(s) for patent or or patent or inventor's certificate date before that of the application
Application No.	Country	Filing Date	Priority Claimed Unio	ler 35 USC §119
			Yes1	No
I hereby claim the benefit below:	under Title 35,	United States Code, §	119(e) of any United State	es provisional application(s) listed
60/153,698 (Application No.)		ber 14, 1999 ng Date)	(Application No.)	(Filing Date)
the subject matter disclosed manner provided by the f	d and claimed in irst paragraph of itle 37, Code of	the present application of Title 35, United State Federal Regulations, §1.	is not disclosed in the prices Code §112, I acknowled 56 which became available	tion(s) listed below and, insofar as or United States application in the dge the duty to disclose material between the filing date of the prior
Application Serial No.		Filing Date	Status: patented, p	ending, abandoned
belief are believed to be tru like so made are punishable such willful false statements	e; and further the by fine or imp s may jeopardize	hat these statement were risonment, or both, unde the validity of the applic	made with the knowledge the r Section 1001 of Title 18 of tation or any patents issuing	
the Patent and Trademark C				cation and transact all business in
o Direct all correspondence to	o: Customer Nu	mber 23370	AFFIX BAR	
Direct telephone calls at 40-	4-815-6500, to J	ohn K. McDonald, Ph.I	CODE LABEL  D. HERE	23370 PATENT TRADEMARK OFFICE
Full name of sole or first in	ventor: Amy	Chang-Murad	Citizenship:	United States of America
Inventor's signature	155	<u></u>		102
Residence and Post Office	<del></del>	Blankenship Drive, Del		A
Additional inventors are	being named on se	eparately numbered sheets a	ttached hereto.	
ATLLIB02 74041.1			•	

In re Application of: Hong Liang, Kim Lee Sim, Xinhua Zhou, John Madsen, Amy Chang-Murad, Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard, and Jeffrey L. Schrimsher

As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Method of Producing and Purifying Endostatin Protein, the specification of which: is attached hereto. was filed on September 14, 2000 as Application No. PCT/US00/25166. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56. I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

Application No.	Country	Filing Date	Priority Claimed Un	der 35 USC §119
		-	Yes	No
I hereby claim the benefit below:	it under Title 35	, United States	Code, § 119(e) of any United State	es provisional application(s) listed
60/153,698	Septen	ber 14, 1999	(Application No.)	

the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No. Filing Date Status: patented, pending, abandoned

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

POWER OF ATTORNEY: The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Customer Number 23370

Direct all correspondence to: Customer Number 23370

**AFFIX BAR** 

**CODE LABEL** 

HERE

Direct telephone calls at 404-815-6500, to John K. McDonald, Ph.D.

Xinhau Zhou Citizenship: **United States of America** Full name of sole or first inventor: Inventor's signature 14628 Boat House Way, North Potomac, MD 20878

are being named on separately numbered sheets attached hereto.

Should be Xintua. se paper

#### DECLARATION AND POWER\_OF ATTORNEY

Attorney's Doctor No.: 05213-0551US (43170-258385)

In re Application of: Hong Liang, Kim Lee Sim, Xinhua Zhou, John Madsen, Amy Chang-Murad, Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard, and Jeffrey L. Schrimsher As a below named inventor, I hereby declare that:

inventor (if only one name is matter which is claimed and Endostatin Protein, the speci is attach was filed. I hereby state that I have reamended by any amendment rin the United States of Amer country before my or our invention was not in public us I understand that I have a dudisclose information which is Regulations, §1.56.	listed below) or for which a particular of which a particular of which a particular of which are deferred and under eferred to above it is a before my or rention thereof or the or on sale in the sale of candor and a material to the	an original, first and join tent is sought on the invited in tent is sought on the invited in tent is sought on the invited in	certification entitled: Me vention entitled spot believe that the same patented or describer to the date of this ca more than one year tent and Trademark (application in accordance)	dieve I am the original, first and sole ames are listed below) of the subject thod of Producing and Purifying ecification, including the claims, as ne was ever known or used by others ed in any printed publication in any application. I further state that the reprior to the date of this application. Office, and I acknowledge the duty to ace with Title 37, Code of Federal efforeign application(s) for patent or
				for patent or inventor's certificate ag date before that of the application
Application No.	Country	Filing Date	Priority Claimed U	nder 35 USC §119
			Yes	_ No
I hereby claim the benefit unbelow:	nder Title 35, U	nited States Code, § 119	(e) of any United Sta	ates provisional application(s) listed
60/153,698 (Application No.)	<u>September</u> (Filing I		(Application No.)	(Filing Date)
the subject matter disclosed a manner provided by the first	and claimed in the paragraph of 2 at 27, Code of Fed	ne present application is a Fitle 35, United States Coderal Regulations, §1.56 v	not disclosed in the p Code §112, I acknow which became availabl	cation(s) listed below and, insofar as rior United States application in the ledge the duty to disclose material e between the filing date of the prior
Application Serial No.		Filing Date	Status: patented	, pending, abandoned
belief are believed to be true; like so made are punishable be such willful false statements in POWER OF ATTORNEY: The the Patent and Trademark Office.	and further that by fine or imprisonay jeopardize the following attorn	these statement were made onment, or both, under Se e validity of the application meys are hereby appointed	de with the knowledge ction 1001 of Title 18 n or any patents issuin to prosecute this app	statements made on information and that willful false statements and the softhe United States Code, and that ag thereon.
o Direct all correspondence to:	Customer Numb	er 23370	AFFIX BAR	
Direct telephone calls at 404-8			CODE LABEL HERE	23370 PATENT TRADEMARK OFFICE
Full name of sole or first inver	ntor:lohn_M		Citizenship:	United States of America
Inventor's signature Residence and Post Office Ad	dress: 4409 C	<u>ΛΛολΔΟνΛ</u> inton Avenue, <u>Jefferso</u> n		3-03
		ately numbered sheets attack		

Application Serial No. Filing Date Status: patented, pending, abandoned

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

POWER OF ATTORNEY: The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Customer Number 23370

Direct all correspondence to: Customer Number 23370

Direct telephone calls at 404-815-6500, to John K. McDonald, Ph.D.

AFFIX BAR CODE LABEL

HERE

Full name of sole or first inventor: Renee J. Boerner	Citizenship: United States of America
Inventor's signature Renee (). Boune	Date 050202
Residence and Post Office Address: 106 Carterwood Court, Ap	ex, NC 27502 NC

Additional inventors are being named on separately numbered sheets attached hereto.

DECLARATION AND POWER et No.: 05213-0551US (43170-258385) Attorney's L n Lee Sim, Xinhua Zhou, John Madsen, Amy Ch In re Application of: Hong Lian Murad, Rence J. Boerner. Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard, and Jeffrey L. Schrimsher As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Method of Producing and Purifying Endostatin Protein, the specification of which: is attached hereto. was filed on September 14, 2000 as Application No. PCT/US00/25166. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56. I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed: Application No. Country Filing Date Priority Claimed Under 35 USC §119 No I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below: 60/153,698 September 14, 1999 (Application No.) (Filing Date) (Application No.) (Filing Date) I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application: Application Serial No. Filing Date Status: patented, pending, abandoned I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon. POWER OF ATTORNEY: The following attorneys are hereby appointed to prosecute this application and transact all business in Direct all correspondence to: Customer Number 23370 AFFIX BAR CODE LABEL Direct telephone calls at 404-815-6500, to John K. McDonald, Ph.D. HERE PATENT TRADEMARK OFFICE

the Patent and Trademark Office connected therewith: Customer Number 23370

Full name of third inventor, if any: Citizenship: India Inventor's signature Date rif Residence and Post Office Address: 113 Hampshire Place, Chapel Hill, NC 27516

Additional inventors are being named on separately numbered sheets attached hereto.

ATLLIB02 74032 i

Attorney's i

.et No.: 05213-0551US (43170-258385)

In re Application of: Hong Lia Lim Lee Sim, Xinhua Zhou, John Madsen, Amy C Murad, Renee J. Boerner, Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard, and Jeffrey L. Schrimsher As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original first and

matter which is claimed a  Endostatin Protein, the sp	is listed below) and for which a ecification of which ached hereto.	or an original, first and jo a patent is sought on the i hich:	int inventor (if plural nat invention entitled: <b>Met</b>	eve I am the original, first and sole mes are listed below) of the subject hod of Producing and Purifying			
was filed on September 14, 2000 as Application No. PCT/US00/25166.  hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, a mended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by other that the United States of America before my or our invention thereof, or patented or described in any printed publication in an ountry before my or our invention thereof or more than one year prior to the date of this application. I further state that the avention was not in public use or on sale in the United States of America more than one year prior to the date of this application understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty the isclose information which is material to the examination of this application in accordance with Title 37, Code of Federal egulations, §1.56.  hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent of the contents of the contents of the above-identified specification, including the claims, and mended the claims, and the claims,							
inventor's certificate listed	below, and hat common with the	ave also identified below a	any foreign application	foreign application(s) for patent or for patent or inventor's certificate g date before that of the application			
Application No.	Country	Filing Date	Priority Claimed Un	der 35 USC §119			
				No			
below:			19(e) of any United Stat	es provisional application(s) listed			
60/153,698 (Application No.)		ng Date)	(Application No.)				
(Application 140.)	(TIII	ing Date)	(Application No.)	(Filing Date)			
the subject matter disclosed manner provided by the fi	d and claimed in instruction in the state of its and contract of i	n the present application is of Title 35, United States Federal Regulations, §1.56	s not disclosed in the pri Code §112, I acknowle which became available	ation(s) listed below and, insofar as for United States application in the edge the duty to disclose material between the filing date of the prior			
Application Serial No.		Filing Date	Status: patented,	pending, abandoned			
belief are believed to be tru	e; and further t by fine or imp	hat these statement were morisonment, or both, under S	ade with the knowledge to Section 1001 of Title 18	tatements made on information and that willful false statements and the of the United States Code, and that thereon.			
POWER OF ATTORNEY: 1	The following at	ttorneys are hereby appoint	ed to prosecute this appl	ication and transact all business in			
the Patent and Trademark O	ffice connected	therewith: Customer Num	ber 23370	t ( Î Î I I I I I I I I I I I I I I I I I			
Direct all correspondence to	: Customer Nu	mber 23370	AFFIX BAR				
Direct telephone calls at 404	<b>I-815-6500</b> , to J	John K. McDonald, Ph.D.	CODE LABEL HERE	23370 Patent trademark office			
Full name of fourth intentor	if and So	ot R. Shepard	Citizenship:	United States of America			
Or tour ur in the	,y. <u></u>	Charles Villebard	Citizeuxiip:	United States of America			

Full name of fourth inventor, if and:

Scot R. Shepard

Citizenship:

United States of America

Inventor's signature

Date

O5 0 0 7

Residence and Post Office Address:

1028 Swift Creek Drive, Clayton, NC 27520

Additional inventors are being named on separately numbered sheets attached hereto.

**DECLARATION AND POWER ATTORNEY** xet No.: 05213-0551US (43170-258385) In re Application of: Hong Lia lim Lee Sim, Xinhua Zhou, John Madsen, Amy O Murad, Renee J. Boerner. Lourdes L. Bermejo, Firoz Rustom Mistry, Scot R. Shepard, and Jeffrey L. Schrimsher As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Method of Producing and Purifying Endostatin Protein, the specification of which: is attached hereto. was filed on September 14, 2000 as Application No. PCT/US00/25166. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as

amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal

Regulations, §1.56.				
inventor's certificate listed	below, and hat common with t	we also identified below	any foreign application for	foreign application(s) for patent or or patent or inventor's certificate date before that of the application
Application No.	Country	Filing Date	Priority Claimed Und	er 35 USC §119
-	<del>-</del>		Yes1	Vo
I hereby claim the benefit below:	under Title 35,	, United States Code, § 1	119(e) of any United State	s provisional application(s) listed
60/153,698		ber 14, 1999		
(Application No.)	(Fili	ng Date)	(Application No.)	(Filing Date)
information as defined in T application and the national  Application Serial No.	itle 37, Code of	Federal Regulations, §1.5	6 which became available l	dge the duty to disclose material between the filing date of the prior ending, abandoned
belief are believed to be tru	e; and further the by fine or imp	hat these statement were raisonment, or both, under	nade with the knowledge the Section 1001 of Title 18 o	atements made on information and that willful false statements and the f the United States Code, and that thereon.
POWER OF ATTORNEY: 7 the Patent and Trademark C	The following at Office connected	ttorneys are hereby appoir therewith: Customer Nur	nted to prosecute this applicable 123370	cation and transact all business in
Direct all correspondence to	o: Customer Nu	mber 23370	AFFIX BAR CODE LABEL	23370
Direct telephone calls at 40	4-815-6500, to J	ohn K. McDonald, Ph.D.		PATENT TRADEMARK OFFICE
	<del></del>			

Inventor's signature // Date 3 04-30-2002	Full name of fourth inventor, if any:		Citizenship	p: United States of Americ	ca
D 11 15 100 100 100 100 100 100 100 100 1		L ochumber	Date 3	04-30-2007	
Residence and Post Office Address: 2411 Hardwood Lane, Hillsborough, NC 27278	Residence and Post Office Address:	2411 Hardwood Lane, H	Hillsborough, NC 27278	Ne	

Additional inventors are being named on separately numbered sheets attached hereto.